

ALVIN PAULINO	§	
v.	§	CIVIL ACTION NO. 5:08cv110
UNITED STATES OF AMERICA, ET AL.	§	

The Plaintiff Alvin Paulino, a former inmate of the Federal Correctional Institution in Texarkana proceeding *pro se*, filed this civil action raising claims under the Federal Tort Claims Act and Bivens v. Six Unknown Named Agents of the Federal Bureau of Narcotics, 403 U.S. 388 (1971). This Court ordered that the matter be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges. As Defendants, Paulino named the United States of America, the Federal Bureau of Prisons, prison counselor Lawrence Hamilton, Warden Keith Roy, former prison hospital administrator Virginia Simien, Dr. Andrew Kahl, Nurse Mike Rostollan, assistant health services administrator Jesus Bernabe, and administrative remedy coordinator Steve Wentzel.

1

be granted and that the lawsuit be dismissed with prejudice. The Magistrate Judge also recommended that Paulino's motion for summary judgment be denied.

A copy of the Magistrate Judge's Report was sent to the Defendants and to Paulino at his last known address, return receipt requested, but no objections have been received; accordingly, the parties are barred from *de novo* review by the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in the cause and the Report of the Magistrate Judge. Upon such review, the Court has concluded that the Report of the Magistrate Judge is correct. It is accordingly


ORDERED that the Report of the Magistrate Judge dated August 13, 2009 (docket no. 57) is hereby ADOPTED as the opinion of the District Court. It is further

ORDERED that the Defendants' motions to dismiss, construed as motions for summary judgment (docket no.'s 23 and 48) be and hereby are GRANTED. It is further

ORDERED that the above-styled civil action be and hereby is DISMISSED with prejudice. Finally, it is

ORDERED that any and all motions which may be pending in this cause are hereby DENIED.

**SIGNED this 14th day of September, 2009.**

  
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DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE